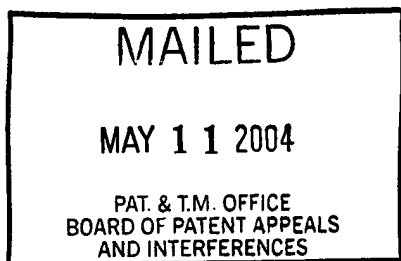




## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Jameson Lee  
Telephone: (703) 308-9797  
Facsimile: (703) 305-0942



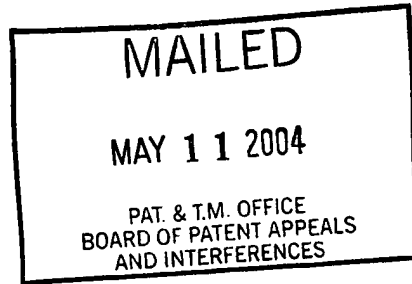
Applicant: SUNSHINE  
Application No.: 10/083,984  
Filed: 02/27/02  
For: Aligned particle based sensor elements  
Accorded benefit: Application Nos. 09/600,346,  
filed 11/09/00; 09/201,999, filed 12/01/98;  
PCT/US99/28282, filed 11/30/99

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,221.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

  
JAMESON LEE  
Administrative Patent Judge

Filed by: Judge Jameson Lee  
Administrative Patent Judge  
Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 703-308-9797  
Fax: 703-305-0942



Filed  
11 May 2004

Paper 1

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JAMES E. **MARTIN**, ROBERT C. HUGHES  
and ROBERT A. ANDERSON,  
Junior Party,  
(Patent 6,194,769),

v.

STEVEN **SUNSHINE** and BETH C. MUNOZ,  
Senior Party  
(Serial No. 10/083,984).

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Patent Interference No. 105,221

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**DECLARATION**  
(37 CFR § 1.611)

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

**Part B. Judge designated to handle the interference**

Administrative Patent Judge Jameson Lee has been designated to handle the interference. 37 CFR § 1.610(a).

**Part C. Standing order**

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

**Part D. Conference call to set dates**

A telephone conference call to set dates for taking action in the interference is scheduled for **1:00 p.m. on 29 June 2004** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶ 10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. The parties involved in this interference are:**

**Junior Party**

**Named inventors:** JAMES E. MARTIN, Tijeras, NM  
ROBERT C. HUGHES, Albuquerque, NM  
ROBERT A. ANDERSON, Albuquerque, NM

**Patent:** 6,194,769, granted 27 February 2001, based  
on Application 09/323,172, filed 27 May 1999

**Title:** Sensor devices comprising field-structured  
composites

**Assignee:** Sandia Corporation

**Accorded Benefit:** None

**Attorneys:** See last page

**Address:** See last page

Senior Party

Named Inventors: STEVEN A. SUNSHINE, Pasadena, CA  
BETH C. MUNOZ, Pasadena, CA

Application: 10/083,984, filed 27 February 2002

Title: Aligned particle based sensor elements

Assignee: None

Accorded Benefit: Application 09/600,346, filed 9 November 2000  
Application 09/201,999, filed 1 December 1998  
PCT/US99/28282, filed 30 November 1999

Attorneys: See last page

Address: See last page

**Part F. Count and claims of the parties**

**Count 1**

Claim 48 of Application 10/083,984

or

Claim 20 of Patent 6,194,769

The claims of the parties are:

Martin:	1-25
Sunshine:	48-50

The claims of the parties which correspond to Count 1 are:

Martin:	1-25
Sunshine:	48-50

The claims of the parties which do not correspond to Count 1 are:

Martin:	none
Sunshine:	none

**Part G. Heading to be used on papers**

The following heading shall be used on papers filed in the interference. See  
STANDING ORDER ¶ 3.5.

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Paper \_\_\_\_<sup>1</sup>

Filed on behalf of [name of party]

By: Name of lead counsel  
Name of backup counsel  
Street address  
City, State, and Zip-Code  
Tel:  
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Jameson Lee)

---

JAMES E. **MARTIN**, ROBERT C. HUGHES  
and ROBERT A. ANDERSON,  
Junior Party,  
(Patent 6,194,769),

v.

STEVEN **SUNSHINE** and BETH C. MUNOZ,  
Senior Party  
(Serial No. 10/083,984).

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Patent Interference No. 105,221

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TITLE OF PAPER

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<sup>1</sup> Leave a blank line because the board assigns the paper number.

## **Part H. Summary of dates for taking action**

Times for taking action are set out in the following sections of the **STANDING ORDER**:

- ¶ 4:** date for identifying lead and backup counsel.
- ¶ 5:** date for identifying any real party in interest.
- ¶ 6:** date for requesting copies of involved and benefit applications and patents.
- ¶ 7:** date for accomplishing certain discovery.
- ¶ 8:** date for filing clean copy of claims.
- ¶ 9:** date for filing clean copy of claims in cases with drawings or claims containing a means plus function limitation.
- ¶ 10:** date for filing list of proposed preliminary motions.
- ¶ 13.10.2:** dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ¶ 14.1.1:** date for objecting to admissibility of evidence.
- ¶ 14.2:** date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- ¶ 14.3:** dates when cross-examination can take place.
- ¶ 15.2:** dates for taking action with respect to settlement discussions.



**Part I. Order form for requesting file copies**

**FILE COPY REQUEST**  
**Interference 105,221**

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
2. Complete address, including street, city, state, ZIP code and telephone number (do not list a Post Office box because file copies are sent via commercial overnight courier).

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Telephone, including area code: \_\_\_\_\_

**Part J. Signature of administrative patent judge**

  
JAMESON LEE  
Administrative Patent Judge

Date: 5/11/04

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference.

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Form PTO-850

Copy U.S. Patent 6,194,769

Copy of claims of 10/083,984

Revised May 2003

cc (via overnight delivery):

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